

**CHARGE:** 502(a)—when shipped, the labeling of the article contained false and misleading representations that the article was an adequate and effective treatment for inoperable neoplasm, advanced malignancy, leukemia, Hodgkin's disease, and inoperable cancer; and 505(a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to the law was not effective with respect to such drug.

**DISPOSITION:** 9-16-60. Default—destruction.

**6422. Phyltone capsules.** (F.D.C. No. 42811. S. Nos. 24-177/9 P.)

**QUANTITY:** 57 100-capsule btls. and 33 30-capsule btls. at Phoenix, Ariz.

**SHIPPED:** Between 11-29-58 and 1-21-59, from Boling, Tex., by Texophyl Corp.

**LABEL IN PART:** (Btl.) "Phyltone Capsules Each Capsule Contains:  $\frac{1}{4}$  Gram or  $3\frac{3}{4}$  Grains Potassium Hydrogen Phytochlorin. Indicated for the treatment of Arteriosclerosis Arthritis and conditions of similar etiology. Manufactured by Texophyl Products, Boling, Texas. Dosage One capsule daily" and "Phyltone \* \* \*  $\frac{1}{2}$  Gram Plant Porphyrins Dosage One Per Day Texophyl Corp. Boling, Texas."

**ACCOMPANYING LABELING:** Brochure entitled "Phyltone A Porphyrin Compound."

**LIBELED:** 2-9-59, Dist. Ariz.

**CHARGE:** 502(a)—when shipped, the labeling of the article contained false and misleading representations that the article was an adequate and effective treatment for (on bottle label) arteriosclerosis, arthritis, and conditions of similar etiology, and (in brochure) resistant anemia, muscular atrophy, osteoporosis, impaired cerebration, depressive states, exhaustion, fatigue and manifest anoxia; and 505(a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to law was not effective with respect to such drug.

**DISPOSITION:** 2-1-61. Texophyl Corp., claimant, having answered the interrogatories filed by the Government and failing to pursue the matter further, and being in default, judgment of condemnation was entered and the article was ordered destroyed.

## DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

**6423. Amphetamine tablets or capsules.** (F.D.C. No. 44358. S. Nos. 70-946 P, 70-948 P, 70-952 P.)

**QUANTITY:** 15,000 *amphetamine tablets*, and an unknown quantity of *amphetamine tablets or capsules*, in possession of Chester Menk, t/a Shifting Sands Truck Stop, and Elmer Menk, in the vicinity of Oaktown, Ind.

**SHIPPED:** Prior to 3-2-60, from outside the State of Indiana.

**LIBELED:** On or about 3-2-60, S. Dist. Ind.

**CHARGE:** 502(b)—while held for sale, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; 502 (e) (1)—the label of the article failed to bear the common or usual name of the drug; 502(f) (1)—the labeling of the article failed to bear adequate directions for use, and the article was not exempt from such requirement since the article was in the possession of persons who were not regularly and law-